

Vinson&Elkins

Matthew R. Friedenberg mfriedenberg@velaw.com
Tel +1.212.237.0067 **Fax** +1.917.849.5385

April 16, 2023

By ECF

Hon. J. Paul Oetken
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Global Net Lease, Inc., et al. v. Blackwells Capital LLC, et al.*, No. 22-cv-10702 (JPO)

Dear Judge Oetken:

We write for all Defendants in the above consolidated actions to seek guidance on the Court's preferences for the preliminary injunction hearing scheduled for Thursday, April 20, 2023 at 2:30 pm.

Plaintiffs have requested that Defendants make certain witnesses available for live testimony at the hearing. Defendants have informed Plaintiffs that the requested witnesses are available, and will appear to testify on Thursday if that is the Court's preference. Given Plaintiffs' request for live testimony, Defendants have also requested that Plaintiffs make certain additional witnesses available to testify if the Court wants live testimony taken, but Defendants are also willing to proceed without live evidence, with or without additional written submissions to highlight relevant deposition testimony (all potential witnesses will have been deposed by the hearing).

We write to ask whether the Court does, in fact, want live testimony at Thursday's hearing. Defendants are fully prepared to do so if that is the Court's preference, but Defendants did not want to presume anything without the Court's guidance. One of Defendants' witnesses will be traveling from overseas specifically to attend the hearing if required to testify, and therefore Defendants would like to avoid a scenario where that witness travels if the Court does not prefer to take live testimony.

We stand ready to proceed in whatever manner the Court would prefer. Defendants are available at the Court's convenience to further discuss this matter.

Respectfully submitted,

/s/ Matthew R. Friedenberg